



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 21, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0258

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional.	Not Sustained - Unfounded (Expedited)
# 2	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) took the Complainant's sexual assault report. The Complainant alleged NE#1 was biased against her mental disability and unprofessionally laughed at her.

ADMINISTRATIVE NOTE:

This case was approved for an Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the involved employees. As such, OPA did not interview the involved employee.

On July 5, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

The Complainant emailed her complaint to OPA. The Complainant described reporting a sexual assault in which she was beaten. The Complainant alleged NE#1, "looked at me like I was retarded." The Complainant also alleged NE#1 looked at her and treated her like he did not believe her.

OPA reviewed SPD documentation—including computer-aided dispatch (CAD) call reports and body-worn video (BWV)—and located two relevant police responses involving NE#1 and the Complainant.

In the first response, the Complainant referenced being sexually assaulted by individuals in the past. When officers clarified the reason for calling the police that night, the Complainant said she was "verbally" assaulted. The Complainant stated she did not want a case number. The Complainant stated she just wanted Community Member



#1 (CM#1) to leave her alone. The Complainant did not report that CM#1 sexually assaulted her. OPA did not observe an officer laugh at the Complainant.

About ten days later, SPD officers, including NE#1, responded to another 9-1-1 call from the Complainant. She reported being sexually assaulted and threatened a week prior. During that response, NE#1 attempted to gather the Complainant's account, but the Complainant responded vaguely. OPA did not observe NE#1—or another officer—laugh at the Complainant or otherwise behave unprofessionally.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional.

The Complainant alleged NE#1 laughed at her and looked at her unprofessionally.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. *Id.*

OPA reviewed the information related to this complaint, including BWV. BWV captured NE#1's interactions with the Complainant. NE#1 did not laugh at the Complainant. BWV showed that none of the officers acted inappropriately, and their questioning was calm and reasonable. There is no evidence NE#1, or another officer, treated the Complainant unprofessionally or biasedly.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #1 - Allegation #2

5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing

The Complainant alleged NE#1 engaged in bias-based policing due to her disability.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. This includes different treatment based on the disability of the subject. *See id.* Officers are forbidden from both, (i) making decisions or taking actions influenced by bias, and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140 POL-2.

For the reasons at Named Employee #1 - Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**